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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/623,705

07/22/2003

Joerg Schwan

2058.236US1

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04/04/2008

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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/623,705 | <b>Applicant(s)</b><br>SCHWAN ET AL. |  |
|                              | <b>Examiner</b><br>Andre Boyce       | <b>Art Unit</b><br>3623              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-28 have been examined.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 15 recites "[a] computer program product, tangibly stored on a machine readable medium..." As seen in Applicant's specification on page 12, lines 24-28, the invention can be implemented as a computer program product, i.e., a computer program tangibly embodied in an information carrier, e.g., in a machine-readable storage device or in a propagated signal, for execution by, or to control the operation of, data processing apparatus, e.g., a programmable processor, a computer, or multiple computers.

As such, the claim may be interpreted as a computer program tangibly embodied in an information carrier, e.g., a propagated signal, which is not a proper medium and thus non-statutory subject matter. See MPEP §2106.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Matheson (USPN 6,944,514).

As per claim 1, Matheson discloses a computer-implemented method for managing a change to a product structure (i.e., innovation information management, including an engineering change, column 5, lines 9-25) comprising: defining instructions to implement the change to the product structure (i.e., product requirements 120, column 5, lines 26-30); associating a first validity for the change with a first organizational structure, the first organizational structure having a first organizational view of the product structure (i.e., requirements from many sources, e.g., marketing, customers, engineering, manufacturing, column 5, lines 26-30); associating a second validity for the change with a second organizational structure, the second organizational structure having a second organizational view of the product structure (i.e., requirements from many sources, e.g., marketing, customers, engineering, manufacturing, column 5, lines 26-30); and automatically implementing the change according to the first validity for the first organizational view, and according to the second validity for the second organizational view (i.e., product requirement interface allows tracking of all decisions related to the product requirements, column 7, lines 7-10).

As per claim 2, Matheson discloses defining instructions to change a plurality of different objects of the product structure (i.e., object model 100, column 5, lines 15-20).

As per claim 3, Matheson discloses at least one of the first and second validities depends on a date (i.e., data may be created automatically, including creation time of last modified date, column 8, lines 47-57).

As per claim 4, Matheson discloses at least one of the first and second validities is valid beginning with a first date and ending with a second date (i.e., data may be created automatically, including creation time of last modified date, column 8, lines 47-57).

As per claim 5, Matheson discloses a hierarchy of organizational structures and wherein the second validity depends on the first validity (i.e., each product idea may have various associated product requirements which may have associated product function objects, column 5, lines 53-61).

As per claim 6, Matheson discloses at least one of the first and second validities depends on attaining a production milestone (i.e., product requirement 120 the product must fulfill, column 5, lines 26-30).

As per claim 7, Matheson discloses at least one of the first and second validities depends on implementing a different change to the product structure (i.e., requirements from many sources, e.g., marketing, customers, engineering, manufacturing, column 5, lines 26-30).

As per claim 8, Matheson discloses a previous validity is associated with the change and wherein defining instructions to implement the change includes defining instructions for modifying the previous validity (i.e., innovation information management, including an engineering change, column 5, lines 9-25).

As per claim 9, Matheson discloses the change includes previous instructions for changing the product structure and wherein defining instructions to implement the change includes defining instructions for modifying the previous instructions (i.e., innovation information management, including an engineering change, column 5, lines 9-25).

As per claim 10, Matheson discloses the first validity precedes the second validity (i.e., each product idea may have various associated product requirements which may have associated product function objects, column 5, lines 53-61).

As per claim 11, Matheson discloses the second validity is dependent upon the first validity and contemporaneous with the first validity (i.e., each product idea may have various associated product requirements which may have associated product function objects, column 5, lines 53-61).

As per claim 12, Matheson discloses storing the instructions to implement the change to the product structure, the first validity, and the second validity in a first database, wherein the product structure is stored in a second database, the second database being separate from the first database (i.e., separate relational database file defined for each defined interface, column 7, lines 34-50).

As per claim 13, Matheson discloses receiving a request to make a change to a product structure (i.e., innovation information management, including an engineering change, column 5, lines 9-25).

As per claim 14, Matheson discloses determining whether the change should be implemented (i.e., decisions related to product requirements and product function, column 7, lines 5-7); generating a change order to implement the change, the change order including the instructions to implement the change of the product structure, the first validity, the second validity (i.e., innovation information management, including an engineering change, column 5, lines 9-25), and a name of a user who determined that the requested change should be implemented (i.e., user access via appropriate permissions, column 4, lines 49-55); and storing the change order in a first database, wherein the product structure is stored in a second database, the second database being separate from the first database (i.e., separate relational database file defined for each defined interface, column 7, lines 34-50).

Claims 15-28 are rejected based upon the same rationale as the rejections of claims 1-14, respectively, since they are the computer program product claims corresponding to the method claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Maki et al (USPN 5307261) disclose product configuration management.

-Yotsukura (USPN 6647380) discloses a production and inventory control system.

-Back et al (US 2003/0220852) disclose a bill of materials change management schema.

-Arai et al (USPN 7024433) disclose part design change.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Patent Examiner, Art Unit 3623  
March 28, 2008